

REMARKS/ARGUMENTS

Claims 8-19 are active. The specification has been revised to refer to a deposit made under the terms of the Budapest Treaty. New Claims 8-19 find support in the disclosure as follows: Claim 8 (Claim 2, hybridization conditions: paragraph bridging pages 17-18; temperature tolerance: page 1 and Examples), Claims 9-12 (Claims 1-8), Claims 13-14 (Claim 5), Claim 15 (Claim 6), Claims 16-17 (Claim 1), Claim 18 (Claim 3, page 22), and Claim 19 (Claim 7, pages 22-23). Accordingly, the Applicants do not believe that any new matter has been added. Favorable consideration of these amendments and allowance of this application are now respectfully requested.

Statement Regarding Deposited Biological Material

Plasmid pUCGCS was deposited under the terms of the Budapest Treaty as FERM BP-8217. As required by 37 C.F.R. 1.808, subject to the one exception permitted by 37 C.F.R. 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon granting of the patent. See MPEP 2410.01.

Objection, Rejection—35 U.S.C. §101

The objection to Claim 1, and rejection of Claims 1-3, are moot in view of the cancellation of those claims.

Rejection—35 U.S.C. §112, second paragraph

Claims 1, 2 and 3-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is now moot.

Rejection—35 U.S.C. §112, first paragraph

Claims 1, 2 and 3-6 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description. This rejection is now moot. It would not apply to the new claims which contain structural and functional limitations disclosed in the specification.

Rejection—35 U.S.C. §112, first paragraph

Claims 1-6 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. This rejection is now moot. It would not apply to the new claims which contain structural and functional limitations disclosed in the specification.

Rejection—35 U.S.C. §112, first paragraph

Claim 7 was rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement for the recombinant plasmid pUCGCS (FERM BP-8217). This rejection is moot in view of the deposit statement above.

Rejection—35 U.S.C. §102

Claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Leipelt et al., JBC 276:33621. This rejection is now moot. It would not apply to the new claims, because Leipelt is generally directed to glucosylceramide synthetases and does not disclose SEQ ID NO: 2 or polypeptides encoded by the polynucleotide described by Claim 8.

Rejection—35 U.S.C. §102

Claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Jorash et al., Eur. J. Biochem. 267:3770. This rejection is now moot. It would not apply to the new claims, because Jorash is directed to glycosyltransferases from *S. aureus* and *A. thaliana* and

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does not disclose SEQ ID NO: 2 or polypeptides encoded by the polynucleotide described by Claim 8.

Rejection—35 U.S.C. §102


Claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al., Arch. Biochem. Biophys. 403:171. This rejection is now moot. It would not apply to the new claims, because Saito is directed to cloning of ceramide glucosyltransferase from hamsters and does not disclose SEQ ID NO: 2 or polypeptides encoded by the polynucleotide described by Claim 8.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notification to that effect is earnestly requested.

Respectfully submitted,

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